

Exhibit 5

ClimateCraft Proposed Constructions of Claim Terms in the Form of Jury Instructions (July 3, 2008)

“fan array” – three or more fan units positioned to work together in parallel

“array controller” – “an automated system to control a fan array which receives input information, determines the output information to achieve a desired objective, and produces the required output information to achieve the desired objective”

“control system” – “an automated system which receives input information, determines the output information necessary to achieve a desired objective, and produces the required output information to achieve the desired objective”

“peak efficiency” – the maximum achievable static efficiency for a fan unit

* “an array controller for controlling said at least six fan units to run at substantially peak efficiency by strategically turning selective ones of said at least six fan units on and off” – for use with at least six fan units, an array controller that (a) receives input information regarding the system air flow requirements, (b) determines the output information necessary, i.e. which fans to turn on and off, and when, to achieve “substantially” peak efficiency of the fan units, and (c) produces that output information (i.e. send a signal to turn individual fans on and off) so that the fan units run at “substantially” peak efficiency.

* “an array controller for controlling said plurality of fan units to run at substantially peak efficiency by strategically turning selective ones of said plurality of fan units on and off” - for use with a plurality of fan units, an array controller that (a) receives input information regarding the system air flow requirements, (b) determines the output information necessary, i.e. which fans to turn on and off, and when, to achieve “substantially” peak efficiency of the fan units, and (c) produces that output information (i.e. sends a signal to turn individual fans on and off) so that the fan units run at “substantially” peak efficiency

* “a control system for operating said plurality of fan units at substantially peak efficiency by strategically turning on and off selective ones of said plurality of fan units” – a control system that (a) receives input information regarding the system air flow requirements, (b) determines the output information necessary, i.e. which fans to turn on and off, and when, to achieve “substantially” peak efficiency of the fan units, and (c) produces that output information (i.e. sends a signal to turn individual fans on and off) so that the fan units run at “substantially” peak efficiency.

* “a control system for controlling said plurality of fan units, said control system allowing control of the speed of the fan units in said plurality of fan units such that they run at substantially peak efficiency” – a control system that makes possible control of the fan units by (a) receiving input information regarding the system air flow requirements, (b) determining the output information necessary, i.e. which fans to speed or slow relative to the others, and when, to achieve “substantially” peak efficiency of the fan units, and (c) producing that output information (i.e. sends a signal to speed or slow individual fans) so that the fan units run at “substantially” peak efficiency.

* “a control system for controlling the speed of the fan units in said plurality of fan units such that they run at substantially peak efficiency” – a control system that (a) receives input information regarding the system air flow requirements, (b) determines the output information necessary, i.e. which fans to speed or slow relative to the others, and when, to achieve “substantially” peak efficiency of the fan units, and (c) produces that output information (i.e. sends a signal to speed or slow individual fans) so that the fan units run at “substantially” peak efficiency.

* (if “substantially” not ruled indefinite and if not construed as means-plus-function)